

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH LOPES,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

No. 1:22-cv-00162-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION TO PROCEED *IN FORMA*
PAUPERIS

(Doc. Nos. 2, 6)

Plaintiff Joseph Lopes is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 8, 2022, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) be denied because it was determined that plaintiff had sufficient funds in his trust account to pay the required filing fee in full. (Doc. No. 6.) Those pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on February 8, 2022 (Doc. No. 6) are
6 adopted in full;
- 7 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 8 3. Within thirty (30) days from the date of service of this order, plaintiff is required
9 to pay the \$402.00 filing fee for this action in full;
- 10 4. Plaintiff's failure to pay the required filing fee as ordered will result in the
11 dismissal of this action without prejudice; and
- 12 5. This case is referred back to the assigned magistrate judge for further proceedings.

13 IT IS SO ORDERED.

14 Dated: March 17, 2022

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17 UNITED STATES DISTRICT JUDGE
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